

STATE OF INDIANA – COUNTY OF MADISON
IN THE MADISON SUPERIOR AND CIRCUIT COURTS

**Notice of Proposed Amendment of Local Rule and finding Good Cause to Deviate From
Established Schedule
November 29, 2010**

The Judges of Madison Circuit and Superior Courts, pursuant to Trial Rule 81 (B), give notice of amendments to the local court rules and find good cause to deviate from the schedule for amending local rules under Trial Rule 81 (D). All new text is shown by underlining and deleted text is shown by ~~strikethrough~~.

Notice has been given to the public on the website of the Madison County Clerk and on the Indiana Judicial Website, and by furnishing a copy to the officers of the Madison County Bar Association. Comments may be made until December **31, 2010** to: Unified Court Administration, 16 E. 9th Street, Suite 417, Anderson, IN 46016.

These rule amendments will be effective on **January 1, 2011**.

DATED this 29th day of November, 2010 on behalf of the Judges of Madison County.

_____/S/_____

Dennis D. Carroll, Judge
Superior Court of Madison County
Division I

_____/S/_____

Rudolph R. Pyle III, Judge
Circuit Court of Madison County

_____/S/_____

G. George Pancol, Judge
Superior Court of Madison County
Division II

_____/S/_____

David A. Happe, Judge
Superior Court of Madison County
Division IV

_____/S/_____

Thomas Newman, Jr. Judge
Superior Court of Madison County
Division III

_____/S/_____

Thomas Clem, Judge
Superior Court of Madison County
Division V

WHEREAS, Madison County has recently adopted the state-sponsored Odyssey case management system; and

WHEREAS, the Odyssey case management system has the capacity to automatically calculate and update the amount of post-judgment interest due, based on the amount and date of the original judgment, and the amounts and dates of payments made; and

WHEREAS, if payments are made directly to a judgment creditor without being processed through the Clerk's office, the amount of interest due cannot be accurately calculated by the Odyssey system; and

WHEREAS, the Courts, Clerk and judgment creditors have an obligation to make sure that the interest collected is accurate;

THEREFORE, IT IS ORDERED that the existing language of Madison County Local Rule LR48-TR00 Rule 38 is deleted:

~~**POST-JUDGMENT INTEREST** Post judgment interest shall not be amended to existing judgments or otherwise added to the calculated amount due until such time as the original judgment amount and costs have been paid.~~

IT IS FURTHER ORDERED that the following language is adopted as the new Madison County Local Rule LR48-TR67 Rule 38:

PAYMENT OF MONEY JUDGMENTS

- (a) If the court orders a judgment debtor to make all payments through the Clerk's office and the judgment creditor does not in fact accept any payments toward a money judgment directly from the payor, then post-judgment interest will be automatically calculated by the Clerk's office and added to the amount due under the judgment without further action by the judgment creditor.
- (b) If a judgment creditor accepts payments in satisfaction of a money judgment directly from the payor, as opposed to payment being made through the Clerk's office, then post-judgment interest shall not be amended to existing judgments

or otherwise added to the calculated amount due until such time as the original judgment amount and costs have been paid and the judgment creditor then submits to the Clerk a statement of post-judgment interest due.

SO ORDERED THIS __29th____ DAY OF NOVEMBER, 2010.